

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (currently amended) An isolated nucleic acid molecule comprising a promoter nucleotide sequence that initiates transcription of an operably linked heterologous nucleic acid sequence in a plant cell wherein said promoter nucleotide sequence has at least 8095% identity to 18 sequential nucleotides of the cassava vein mosaic virus (CsVMV) promoter shown in SEQ ID NO 3 (pA).
2. (currently amended) The nucleic acid molecule of claim 1 which comprises a nucleic acid sequence selected from the group consisting of CVP1, CVP2, pA, pB, pC, pD, pE, p $\Delta$ B, p $\Delta$ C, p $\Delta$ D1, p $\Delta$ D2, p $\Delta$ D3, p $\Delta$ E1, p $\Delta$ E2, p $\Delta$ E3 and p $\Delta$ E, having the respective sequences shown in SEQ ID NOS 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, and 17, ~~respectively~~.
3. (original) The nucleic acid molecule of claim 1 wherein said plant cell is a monocot or a dicot.
4. (original) The nucleic acid molecule of claim 1 wherein said transcription is initiated in a plant mesophyll tissue.
5. (original) The nucleic acid molecule of claim 1 wherein said transcription is initiated in a plant phloem tissue.
6. (original) The nucleic acid molecule of claim 1 wherein said transcription is initiated in a plant root tip tissue.

7. (original) The nucleic acid molecule of claim 1 wherein said molecule has a nucleotide sequence selected from the group consisting of CVP1, CVP2, pA, pB, pC, pD, pE, p $\Delta$ B, p $\Delta$ C, p $\Delta$ D1, p $\Delta$ D2, p $\Delta$ D3, p $\Delta$ DE1, p $\Delta$ DE2, p $\Delta$ DE3 and p $\Delta$ E.

8. (currently amended) A vector comprising a promoter nucleotide sequence that is capable of initiating transcription of an operably linked heterologous nucleic acid sequence in a plant cell wherein said promoter nucleotide sequence has at least 8095% identity to 18 sequential nucleotides of the cassava vein mosaic virus (CsVMV) promoter shown in SEQ ID NO 3 (pA) and is operatively linked to a heterologous nucleic acid sequence.

9. (original) The vector of claim 8 wherein said promoter comprises a nucleic acid sequence according to claim 1.

Claims 10-15 (canceled)

16. (New Claim) An isolated nucleic acid molecule, comprising: a CsVMV promoter nucleotide sequence that initiates transcription of an operably linked heterologous nucleic acid sequence in a plant cell.

17. (New Claim) The isolated nucleic acid molecule of claim 16, wherein the CsVMV promoter nucleotide sequence comprises SEQ ID NO:3 or a fragment thereof having promoter activity.

18. (New Claim) The isolated nucleic acid molecule of claim 16, wherein the CsVMV promoter nucleotide sequence comprises SEQ ID NO:3.

19. (New Claim) The isolated nucleic acid molecule of claim 16,

wherein the CsVMV promoter nucleotide sequence comprises CVP1.

20. (New Claim) The isolated nucleic acid molecule of claim 16, wherein the CsVMV promoter nucleotide sequence comprises CVP2.

21. (New Claim) The isolated nucleic acid molecule of claim 16, wherein the CsVMV promoter nucleotide sequence is selected from the group consisting essentially of pA, pB, pC, pD, and pE.

22. (New Claim) The isolated nucleic acid molecule of claim 16, wherein the CsVMV promoter nucleotide sequence is selected from the group consisting essentially of: p $\Delta$ B, p $\Delta$ C, p $\Delta$ D1, p $\Delta$ D2, p $\Delta$ D3, p $\Delta$ E1, p $\Delta$ E2, p $\Delta$ E3 and p $\Delta$ E.

23. (New Claim) A promoter nucleotide sequence as set forth in SEQ ID NO:3, or a fragment thereof having promoter activity.

24. (New Claim) The promoter nucleotide sequence of claim 23, wherein the promoter activity comprises initiating transcription of an operably linked heterologous nucleic acid sequence in a plant cell.